



### **JURISDICTION AND VENUE**

3. Jurisdiction in this Court is based on the Act of June 25, 1948, 62 Stat. 869, U.S.C., Title 28, Section 1338(a), which provides for jurisdiction in the United States District Court for any Civil Action relating to patents and further upon 28 U.S.C. Section 1332(a), there being diversity of citizenship between **PLAINTIFF** and **DEFENDANT** and an amount in controversy in excess of \$50,000, exclusive of interests and costs.

4. Venue in this Court is proper under 28 U.S.C. Sections 1391(b)(2) and 1400(b).

### **FACTUAL BACKGROUND**

5. **PLAINTIFF'S** products include, *inter alia*, fly tying devices which are used for rotating the shank of a fishhook to permit the attachment of feathers and the like for the purpose of making artificial flies for fishing.

6. **PLAINTIFF** is the assignee of the entire right, title and interest of U.S. Patent Number 5,169,079 (hereinafter the '**079 PATENT**') which issued on December 8, 1992, for **IN FLY TYING DEVICE AND METHODS**. Attached as Exhibit "A" is a copy of the '**079 PATENT**'.

7. The '**079 PATENT**' is directed to a novel device for holding a fishhook or other similar object while various materials are tied or fastened on the shank of the fishhook as it is rotated, to make artificial flies, insects and lures.

**PATENT INFRINGEMENT**

\_\_\_\_ 8. **PLAINTIFF** incorporates by reference the allegations of paragraphs 1 through 7 of the Complaint as if each had been set forth fully herein.

9. This cause of action arises under 35 U.S.C. Section 271, which provides a cause of action for infringement of a patent.

10. Upon information and belief, **DEFENDANT** has made, used and sold fly tying devices (Exhibit "B") embodying **PLAINTIFF's** patented invention and is continuing to make, use and sell said fly tying devices. Upon information and belief, **DEFENDANT** is selling its products throughout the United States and internationally.

11. **RENZETTI, INC.** has placed the required statutory notice on all fly tying devices manufactured and sold by it under '**079 PATENT**'.

12. Upon information and belief, **DEFENDANT** was aware of **PLAINTIFF'S** patent prior to **DEFENDANT'S** manufacturing and selling of its infringing fly tying devices. The aforesaid acts of **DEFENDANT** constitute patent infringement of **PLAINTIFF'S '079 PATENT**.

13. The aforesaid acts of **DEFENDANT** as described above have caused damages to be proven at the trial of this matter and, unless restrained by this Court, will continue to cause irreparable injury to **PLAINTIFF**.

14. **PLAINTIFF** has no adequate remedy at law.

**RELIEF**

**WHEREFORE, PLAINTIFF** prays for relief against the **DEFENDANT** as follows:

1. For a preliminary and permanent injunction restraining and enjoining the **DEFENDANT**, its principals, agents, servants, employees, attorneys, successors and assigns and all those in privity, concert or participation with **DEFENDANT**, from doing, aiding, causing or abetting the following:

(a) infringing U.S. Patent No. 5,169,079;

(b) assisting, aiding or abetting any other person or business entity

in engaging in or performing any activities referred to in paragraph (a).

2. For a finding that the **DEFENDANT** has infringed U.S. Patent No. 5,169,079 by the acts complained of herein.

3. For an Order requiring **DEFENDANT**, and all those in privity or concert with the **DEFENDANT** who receive actual notice of the Order, to deliver up for destruction all products, signs, literature, articles and promotional advertising materials of any kind in its possession or under its control showing the infringing fly tying device.

4. That **PLAINTIFF** receive such damages, plus interest thereon, as it has sustained and in consequence of **DEFENDANT**'s infringement of the aforesaid U.S. Patent.

5. That **PLAINTIFF** be awarded damages in an amount to be fixed by the Court in its discretion as just, including punitive damages, as well as all the **DEFENDANT**'s profits or gains resulting from **DEFENDANT**'s infringement of the aforesaid patent and that such damages be trebled as provided by 35 U.S.C. Section 284.

6. That **PLAINTIFF** be awarded all costs, disbursements and attorney fees.
7. That **DEFENDANT** be directed to file with the Court and serve upon **PLAINTIFF** within ten (10) days after entry of the injunction, a report in writing, under oath, setting forth in detail the manner and form which **DEFENDANT** has complied with the injunction.
8. That **DEFENDANT** be ordered to account for all fly tying devices sold from December 8, 1992, through the date of the Order and that **PLAINTIFF** receive from **DEFENDANT** the net profit to which **PLAINTIFF** is entitled with respect to those items.
9. That **PLAINTIFF** receive such other and further relief as this Court may deem just and appropriate.

Respectfully submitted,

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